

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
MARJORIE ANDERSON-SLOLEY,

Plaintiff,

- against -

DUANE READE, INC.,

Defendant.
-----X

ORDER

04 CV 5387 (NG) (VVP)

GERSHON, United States District Judge:

Defendant Duane Reade, Inc., has moved to dismiss the complaint of plaintiff Marjorie Anderson-Sloley, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for failure to state a claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e) *et seq.* Under the Supreme Court's holding in *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506 (2002), a plaintiff alleging employment discrimination need only satisfy the notice pleading standard of Rule 8(a) of the Federal Rules of Civil Procedure to survive a motion to dismiss. The court is persuaded that plaintiff's complaint sufficiently states a claim under Title VII, therefore, defendant's motion is denied.

As indicated at oral argument on January 4, 2006, the parties are directed to contact Magistrate Judge Viktor Pohorelsky to schedule a conference regarding discovery and possible settlement. The parties are further directed to expeditiously complete discovery and to begin discovery immediately.

SO ORDERED.

/s/ Nina Gershon
NINA GERSHON
United States District Judge

**Dated: Brooklyn, New York
January 5, 2006**